



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.02.2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

WEB COPY

CRL.O.P(MD)No.3417 of 2023

Rhenish Festus

...Petitioner / Accused No.10

-vs-

State represented by
The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.
(in Crime No. 18 of 2021)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.18 of 2021.

For Petitioner : Mr.A.Venkatesh Kumar

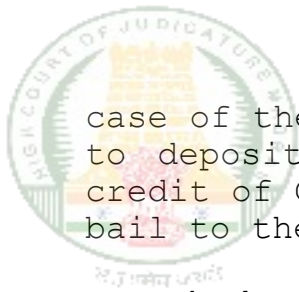
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 427, 506(2) IPC,1860 in Crime No.18 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Senbulingam is that he is a Secretary of O.B.C wing on a national party and that he had attended a wedding reception at Meignanapuram YMCA marriage hall and while he was returning, 16 named accused in an inebriated condition along with 50 others have waylaid his Car stating that he should remove his party flag. When he questioned them, they have assaulted him and also caused damage to the window and windsheild of the Car and caused loss to the tune of Rs.30,000/- and assaulted the defacto complainant's friends one Manthirammoorthy and Christopher resulting in them sustaining injuries. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent person and due to political rivalry, a false complaint has been given. He would also submit that it is a



case of the year 2021 and without prejudice, the petitioner is directed to deposit a sum of Rs.2000/- (Rupees Two Thousand only) to the credit of Crime No.18 of 2021 and he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is arrayed as A10 and the accused have damaged the Car of the defacto complainant and assaulted two persons, who sustained injuries. Hence, he would object for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sathankulam, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit Rs.2000/- to the credit of Crime No.18 of 2021 before the Judicial Magistrate, Sathankulam, Thoothukudi District without prejudice to her defence.

[b]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/02/2023

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

To

1.The Judicial Magistrate,
Sathankulam,
Thoothukudi District.

2.Do-through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to MS.VENKATESH KUMAR A Advocate SR.No.2677

ORDER

IN

CRL OP(MD) No.3417 of 2023

Date :22/02/2023

ED/BUC/SAR- 4 (08/03/2023) 3P 6C